

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-cv-00270-MR-WCM**

RUPA VICKERS RUSSE,)
)
Plaintiff,)
) **ORDER**
v.)
)
CINDIE HARMAN,)
)
Defendant.)
)

This matter is before the Court *sua sponte* for the consideration of jurisdictional issues and also on “Plaintiff’s Motion in Non-Limine to Take Notice of Plaintiff’s Domicile at Time of Filing Her Complaint” (the “Motion in Non-Limine” Doc. 77).

By Order filed on January 20, 2023, the undersigned directed the Clerk to schedule a hearing so the Court could examine more closely the basis for subject matter jurisdiction in this case. Doc. 74.

On January 23, 2023, a status conference was scheduled for February 1, 2023.

On January 24, 2023, Plaintiff’s counsel filed the “Motion in Non-Limine.” Doc. 77. With that document, Plaintiff’s counsel also submitted a supporting memorandum, an affidavit of Plaintiff, and various other materials.

On February 1, 2023, the undersigned conducted the hearing. Plaintiff appeared in person and was accompanied by her attorney, Brooke Scott, who appeared remotely (with advance permission from the Court). Defendant was represented by Austin Kessler.

Plaintiff cited her written submissions in support of a finding that subject matter jurisdiction exists and Defendant confirmed that she does not contest the exercise of subject matter jurisdiction by the Court.

Having closely reviewed Plaintiff's submissions and having heard from the parties, the undersigned finds that diversity subject matter jurisdiction exists and that this matter is properly before the Court.

In view of this finding, and further as "motions in non-limine," are not recognized motions under the Federal Rules of Civil Procedure, "Plaintiff's Motion in Non-Limine to Take Notice of Plaintiff's Domicile at Time of Filing Her Complaint" (Doc. 77) is **DENIED AS MOOT**.

It is so ordered.

Signed: February 1, 2023



W. Carleton Metcalf
United States Magistrate Judge

